

No. 11(112)-3Lab-79/10905.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Agro Engineering Products (Delhi) Pvt. Ltd., 16/4, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 587 of 1978

between

SHRI JIWA NAND WORKMAN AND THE MANAGEMENT OF M/S AGRO ENGINEERING
PRODUCTS (DELHI) PVT. LTD., 16/4, MATHURA ROAD, FARIDABAD

Present :

Workman in person/ Shri K.K. Srivastava for the workman.
Nemo for the management.

AWARD

By order No. FD/55918, dated 15th December, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Agro Engineering Products (Delhi) Pvt. Ltd., 16/4, Mathura Road, Faridabad and its workman Shri Jiwa Nand, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jiwa Nand was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The workman appeared but none appeared for the management. The management was proceeded against *ex parte*. Thereafter the management moved an application but even thereafter the management did not appear, again the case was filed for *ex parte* evidence of the workman. After obtaining three adjournments, the workman examined himself as his own witness and stated that he was employed with the management in the year 1970 as a painter at Rs. 275/- as wage p.m. and the management terminated his services levelling false charges against him of theft, without issuing any charge-sheet and without holding any enquiry and the workman was un-employed since then. I believe in the *ex parte* statement of the workman and give my award that the management wrongfully terminated the services of the workman and the workman is entitled to reinstatement with continuity of service and with full back wages.

Dated 31st August, 1979.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 844, dated 7th September, 1979

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 26th September, 1979

No. 11(112)-3Lab-79/10841.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s American Universal Electric (India) Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 111 of 1977

between

SHRI K.K. NARAIN, WORKMAN AND THE MANAGEMENT OF M/S. AMERICAN UNI-
VERSAL ELECTRIC (INDIA) LTD., FARIDABAD

Present :

Shri P.K. De for the workman.
Shri R.N. Rai for the management.

AWARD

By order No. ID/FD/257-77/27743, dated 27th July, 1977, the Governor of Haryana referred the following dispute between the management of M/s American Universal Electric (India) Ltd., Faridabad and its workman Shri K.K. Narain, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

"Whether the termination of services of Shri K.K. Narain was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were sent to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 22nd November, 1977 :—

- (1) Whether the workman resigned of his own accord ?
- (2) Whether the workman has received all his dues in full and final settlement ? If so, to what effect ?
- (3) Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the management. Thereafter the representative for the management moved an application for amendment of issues placing onus properly, as the onus has been placed on the management erroneously. The parties were heard and then issues number 1 and 2 were amended and were recast as follows on 16th March, 1978 :—

- (1) Whether the management obtained resignation from the workman under force, duress and coercion ?
- (2) Whether the management paid the dues of the workman concerned under force, duress and coercion ?

And the case was fixed for the evidence of the workman. The workman examined as WW-I and Shri Kashmir Singh another workman as WW-2 and closed his case. Then the case was fixed for the evidence of the management. The management examined S/Shri Kapoor Singh, Head Constable, Faridabad as MW-1, Anand Parkash, Clerk as MW-2. Ramesh Chander Sharma, Time Keeper as MW-3 M. S. Hudda, Factory Manager as MW-4 S.D. Sharma, Head Time Keeper as MW-5 and Shri Amar Singh, Labour Officer-cum-Conciliation Officer, Faridabad as MW-6 and closed their case. Then the case was fixed for hearing of arguments. Arguments have been heard. I have gone through the entire evidence on the file, oral as well as documentary, and considered the arguments of the parties. I now give my findings issue-wise :—

Issue No. 1.—WW-1 stated that he never resigned. The Engineer had called him in his office and threatened him that he had to resign and if he did not resign, he would not be able to go out of the factory gate alive, Shri Hudda, Yadav, S.C. Sharma were there. Shri Yadav again threatened him that he shall get the workman killed and can spare a sum of Rs. 10 lacs for that purpose and that they had all the weapons including pistol and began to take them out. A some written matter was there and the matter was got signed by him under that threat. Shri Rayyat gave him one cane hit. Then they talked on phone with some person and Shri Hudda told him to take the workman away to that person. S/Shri Yadav and S.C. Sharma caught hold of him and made him sit in the car and took him to the Labour Officer-cum-Conciliation Officer, Sector 7. They went inside the office and made him sit outside, placing some guards on his side. Shri Sharma called him in and he went. The Labour Officer-cum-Conciliation Officer Shri Yadav asked him whether he had resigned, he told no. Then the above said persons began to get up from their chairs in, an attempt to intimidate him. He that felt by their gesture. He was then frightened and he told them to do what they liked as the workman wanted to save his life. Then they paid him a sum of Rs. 1030 net deducting the sum of advance which had already been paid to him. He did not sign in the office of the Labour Officer-cum-Conciliation Officer. He had signed four papers but under force in the office of the management. Thereafter he sent letter to the management copy Exhibit W-1, letter to the D.S.P. who marked it to the S.H.O. copy Exhibit W-2 and a letter to the Labour Minister Centre copy Exhibit W-3. He further stated that he was member of the un'on. There was a movement for payment of bonus as per the settlement which the management was not paying and he had participated in that Government. He was victimised. He admitted his signatures on Exhibit M-1. He admitted that payment was made to him before the Labour Officer. The receipt Exhibit M-3 bears his signatures. He denied that he got contents of Exhibit M-1 written by Production Clerk of the management. He admitted that the main office is at a distance of 100 meters from the Office of Shri Rayyat. The office of Shri Hudda and Yadav were in the main office. He admitted that one side of time office is glazed with glasses. He admitted the contents of Exhibit W-3 as correct and stated that both the statements were true. He owned Exhibit W-1, W-2 and W-3. He stated that he had become unconscious. He had seen pistol prior to being unconscious, when he was thrown on the ground. He could not tell the time of unconsciousness. He admitted that he did not met himself medically examined, nor he went to the Doctor that purpose, after receiving money in the Labour Officer. Because the management had threatened him to kill. He did not report to the police also. The police did not move on his report.

WW-2 stated, that at about 3.00 p.m. when the workman was working on his machine, Shri Ramesh a clerk of time office came to call him. After 4.15 p.m. WW-2 went to enquire his whereabouts. He came to know that he was in the office of Shri Hudda. At 4.30 p.m. he was off duty and left for home. The workman closed his case. W-2 did not corroborate WW-1. WW-2 is not an eye-witness to the threats alleged to have been given by the management. MW-1 stated that he enquired into the complaint of the workman and recorded statements of S/Shri Hudda, Sharma and Rayyat and the Personnel Officer. He found that there was a dispute regarding the dues of the workman. He reported his findings to the S.H.O. The S.H.O. reported that there was no apprehension of breach of peace and the dispute related to payment of amounts and that the complaint be filed. The Moharrar made an endorsement. He proved the endorsement made by Shri Jai Singh the then D.S.P. In cross-examination he stated that his finding was based on the statements of the persons recorded by him. MW-2 stated that Exhibit M-1 was in his handwriting and the workman had got it written by him. The workman had told him that due to his domestic circumstances being unfavourable, he wanted to resign. He scribed Exhibit M-1 in the shop inside the factory. In cross-examination he denied that the workman never went to him for scribing Exhibit M-1. He denied that Exhibit M-1 was false. He denied that signatures on Exhibit M-1 of the workman were obtained under threatening and show of force. He stated that the workman signed in his presence. MW-3 stated that he scribed Exhibit M-4 at the request of the workman and the workman signed it. The workman had told him that he had received all his dues and he wanted to get an experience certificate. He scribed it at the Security gate. The distance between the administrative office and Security gate is about 50 steps. In cross-examination he stated that some other workmen had also resigned. He stated that he had written such applications of the workmen when they approached him. There were 5-6 clerks in time office. MW-3 had good relations with the workman. He was not present when the workman received his dues. The accounts branch is also a administrative branch. He denied that he scribed Exhibit M-4 at the instance of the management. MW-4 the Factory Manager stated that M-1 reached him on 26-4-77 forwarded by Shri Rayyat, Assistant Manager manufacturing. The endorsement on it is in the hand of Shri Prem Singh Assistant Superintendent. The acceptance was in his hand. Exhibit W-2 bear his signatures. He stated that the workman did not come to him personally with his resignation letter. The resignation reached him as per practice in the factory. He denied that he showed any pistol or knife to the workman. He did not assault the workman. He was not a licence holder of any weapon and there was no weapon in their factory. His Secretary gives acceptance letter passing it to the Head Time Keeper and similarly has been done in this case. He gave the procedure regarding resignations in his factory and the resignation was accepted as per that procedure. He stated that payment was mad to the workman before the Labour Officer-cum-Conciliation Officer as a precautionary measure. He proved Exhibit M-3 and the signatures of the Labour Officer-cum-Conciliation Officer. And that the workman received this payment of his free will and no pressure was exercised on him. The amount was paid in his presence. He proved his signatures on Exhibit M-3. MW-5 stated that he delivered the acceptance letter of resignation to the workman after the file reached him and obtained his signatures. He identified the signatures of the workman and his own signatures also and of all signatories to Exhibit M-5. He also corroborated other MWs. In cross-examination anything favourable to the workman was not illucidated. MW-6 Shri Amar Singh, Labour Officer-cum-Conciliation Officer, Faridabad identified the workman present in court. He stated that the payment was made in his presence and Exhibit M-3 bore his signatures. He further stated that the workman did not complain to him as to whether he was assaulted or not. He also stated that if parties agree, the payment is made in his presence and it was also a part of his duty. He further state in cross-examination that the workman had told him that he had resigned of his own. In his tenure there had been several instances of resignation. He denied his knowledge regarding a quarrel at this factory gates the next day and the police was at the gates. He denied that the management had apologised before the Joint Labour Commissioner for the quarrel occurred the next day of the payment to the workman. He also stated that two persons of the management and the workman had reached him together. The papers were complete already and payment was made before him and this transaction took about 10 minutes. Exhibit W-1 is a letter from the workman to the management in which the workman had stated that he resigned under threat. It is dated 28th April, 1977 and 28th May, 1977. Exhibit W-2 is a letter from the workman to the D.S.P. alleging assault by the management when he refused to resign before the management. He admitted the receipt of Rs. 1,030 before the Labour-cum-Conciliation Officer after deducting a sum of Rs. 460 advanced to him. Thus he admitted receipt of Rs 1,490. Exhibit W-3 is a letter from the workmen to the Labour Minister alleging his resignation under force. It is dated 30th April, 1977. A letter to the D.S.P. is dated 27th June, 1977. Exhibit W-4 is a photostat copy of some settlement. Exhibit W-5 is letter from the workman to the management dated 18th April, 1977/12th May, 1977/24th May, 1977 alleging use of force and threatening and resignation under force. Exhibit M-1 is resignation and acceptance thereof. Exhibit M-2 is acceptance letter of the management asking the workman to collect his dues. Exhibit M-5 is clearance certificate. Exhibit M-3 is the receipt executed by the workman. Exhibit M-4 is a letter from the workman asking the management for a certificate regarding his experience of work.

Although the workman had alleged that he resigned under force. The resignation letter is dated 26th April, 1977. He received money before the Labour Officer-cum-Conciliation Officer and the Labour Officer-cum-Conciliation Officer as stated that the workman had told him that the workman had resigned of his own and no threat was administered to the workman before the Labour Officer-cum-Conciliation Officer. The workman had written resignation letter, than produced clearance certificate. He has received money and then wrote a letter for a certificate of experience and received that certificate. After receiving money before the Labour Officer-cum-Conciliation Officer, he did not go to the police to report the matter. There is no reason as to why the Labour Officer-cum-Conciliation Officer should have spoken a lie. I, believe in the statement of Labour Officer-cum-Conciliation Officer. This circumstance that the workman wrote three or four letters to the management and executed a receipt and received money before the Labour Officer-cum-Conciliation Officer prove that no force

was used, although there are two letters of the workman written to the management and the D.S.P. and the Labour Minister Centre. The letter written to the management Exhibit W-5 is dated 28th April, 1977/12th May, 1977 and 24th May, 1977. It seems that after receipt of the amount before the Labour Officer-cum-Conciliation Officer, second thoughts occurred to the workman and then he wrote these letters. Had the workman resigned under force, he could have stated so before the Labour Officer-cum-Conciliation Officer and he should have not received the money amounting to Rs 1,490 in total and in cash Rs 1,180. The receipt is properly stamped. The signatures of the workman on every document appear to have been made in a regular course. I, therefore, decide issue No. 1 against the workman.

Issue No. 2.—The payment was made before the Labour Officer-cum-Conciliation Officer and no force was used or threatened there, nor it was possible. I, therefore, decide issue No. 2 also against the workman.

Issue No. 3.—When issues Nos. 1 and 2 have been proved against the workman, issue No. 3 has become redundant. The management did not terminate the services of the workman and the workman is not entitled to any relief. I decide this issue accordingly.

As a result of my findings on the issues, I answer the reference and give my award that the management did not terminate the services of the workman and that it was the workman who resigned his job of his own and the resignation from the workman was not obtained under force, duress or coercion and that the workman received all his dues before the Labour Officer-cum-Conciliation Officer as admitted by the workman even in several of his documents. The workman is not entitled to any relief.

Dated the 24th August, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 821, dated the 4th September, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

H. L. GUGNANI, Secy.

राजस्व विभाग

युद्ध जागीर

दिनांक 24 सितम्बर, 1979

क्रमांक 1428-ज(I)-79/38622.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उस में आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3 (1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्रीमती मनभावती, विधवा श्री गुटी राम, गांव डरोलीजाट, तहसील ब जिला महेन्द्रगढ़ को रखी, 1974 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

क्रमांक 1410-ज(I)-79/38626.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3 (1ए) के अनुसार सौंपे गए अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्रीमती दिवान देंबी, विधवा श्री ठाकुर दास, गांव भूखोला तहसील नारायणगढ़, जिला अम्बाला को खरीफ, 1975 में 1,50 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

दिनांक 26 सितम्बर, 1979

क्रमांक 1265-ज(I)-79/39026.—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2 (ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गए

अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल निम्नलिखित व्यक्तियों को वार्षिक कीमत वाली युद्ध जागीर उनके नाम के सामने दी गई फसल तथा राशि एवं सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं :—

न्रांक	जिला	जागीर पाने वाले का नाम	गांव व पता	तहसील	* फसल/वर्ष जब से जागीर दी गई	वार्षिक राशि
1	2	3	4	5	6	7
रुपए						
1	अम्बाला	श्री भगवान सिंह, पुत्र श्री लक्ष्मन सिंह	सलेमपुर	नारायणगढ़	खरीफ 1974	150
2	अम्बाला	श्री तारा सिंह, पुत्र श्री मिठा सिंह	मन्थार	जगाधरी	रवी 1976	150
3	अम्बाला	श्री शर्म सिंह, पुत्र श्री मल्ल सिंह	हवेली	नारायणगढ़	रवी 1969 से खरीफ 1970	100 150
4	अम्बाला	श्रीमती प्रमेश्वरी, विधवा श्री पूर्ण सिंह	छोली	जगाधरी	रवी 1969 से रवी 1970 तक खरीफ 1970	100 150

दिनांक 27 सितम्बर, 1979

क्रमांक 1371-ज(1)-79/39384.—श्री गंगा विशन, पुत्र श्री उदे राम, गांव सुहरेती, तहसील दादरी, जिला भिवानी की दिनांक 2 सितम्बर, 1979 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 4 एवं 2(ए) (1ए) तथा 3(1ए) के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए श्री गंगा विशन को मुब्लिग 150 रुपए वार्षिक की जागीर जो उसे हरियाणा सरकार की अधिसूचना क्रमांक 666-ज(1)-79/20708, दिनांक 25 जून, 1974 द्वारा मन्जूर की गई थी, अब उस की विधवा श्रीमती वाली के नाम रवी, 1979 से 150 रुपये वार्षिक की दर से सनद में दी गई शर्तों के अन्तर्गत सहर्ष प्रदान करते हैं।

क्रमांक 1477-ज(1)-79/39388—पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 2(ए) (1ए) तथा 3(1ए) के अनुसार सौंपे गये अधिकारों का प्रयोग करते हुए हरियाणा के राज्यपाल श्री हरबंस सिंह, पुत्र जोध सिंह श्री विशनु नगर, रेलवे वर्कशाप, जगाधरी, तहसील जगाधरी, जिला अम्बाला को खरीफ 1965 से रवी, 1970 तक 100 रुपए वार्षिक तथा खरीफ 1970 से 150 रुपये वार्षिक कीमत वाली युद्ध जागीर सनद में दी गई शर्तों के अनुसार सहर्ष प्रदान करते हैं।

दिनांक 9 अक्टूबर, 1979

क्रमांक 1434-ज(1)-79/39996.—श्री तेजा सिंह, पुत्र श्री केसर सिंह, गांव उकलाना, तहसील हांसी, जिला हिसार की दिनांक 10 दिसम्बर, 1976 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और आज तक संशोधन किया गया है) की धारा 4 एवं 2(ए) (1ए) तथा 3(1ए) के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए श्री तेजा सिंह को मुब्लिग 150 रुपये वार्षिक की जागीर जो उसे हरियाणा सरकार की अधिसूचना क्रमांक 6106-र(III)-70/2208, दिनांक 22 जनवरी, 1971 द्वारा मन्जूर की गई थी, अब उस की विधवा श्रीमती सन्त कौर के नाम खरीफ 1977 से 150 रुपये वार्षिक की दर से सनद में दी गई शर्तों के अन्तर्गत सहर्ष प्रदान करते हैं।